**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 10504 of 2004**

Between:
Kollapu Reddy Suresh Babu, rep by his Natural Guardian and Mother Smt. K. Kumari, Kama Raju Peta Village, Gokavaram Mandal, East Godavari District.

..... PETITIONER

AND

1 Government of A.P. rep by its Secretary, Tribal Welfare Department, Secretariat, Hyderabad.
2 District Collector, East Godavari District.
3 Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District.
4 Sarapu Bhaskar Rao, S/o. not known
Rajupeta Loddi Village, Gangavaram Mandal,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a Writ in the nature of Certiorari calling for the records relating to order passed by the 3rd respondent in L.T.R.R.P. 284/002 dated 30-6-2003 and quash the same and pass

Counsel for the Petitioner: Mr.Y.SUDHAKAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

**The Court made the following ORDER:**

This writ petition is filed by the petitioner, who is a minor, represented by his natural guardian and mother, aggrieved by the order passed by the third respondent herein in L.T.R.P.No.284 of 2002, dated 30.06.2003.

2. According to the petitioner, the third respondent passed the said impugned order at the instance of the fourth respondent. Pursuant to the same, the petitioner is sought to be evicted from the land of an extent of Ac. 5.92 cents in Survey Nos.60/1, 66/1and 66/2 of Yamanapalle village, Gangavaram Mandal, East Godavari District. It is stated that the said property was purchased by the petitioner's grandfather. It is also stated that the petitioner is a tribal though his mother is non-tribal. As the petitioner's father was a tribal, the respondent authorities have no right to evict the petitioner from the scheduled land.

3. The learned counsel for the petitioner also contended that the third respondent is proceeding as if it is a benami transaction, as it is not permissible, in the light of the benami transactions of Prohibition Act to treat any transaction as a benami. It is only the person on whose name the property stands as owner and not held by somebody else. Therefore, the learned counsel contended that the order of eviction passed by the third respondent is illegal and unsustainable and sought for quashing of the said order.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

5. Admittedly, the order of the third respondent is appealable before the second respondent, who is the District Collector as well as Agent to the Government. As remedy of appeal is available to the petitioner, the petitioner cannot maintain the present writ petition. Hence, the writ petition is disposed of directing the petitioner to prefer an

appeal within a period of four weeks from today and seek appropriate orders from the appropriate authority. Pending filing of the appeal as directed, status quo as on today shall be maintained with reference to the possession of the land in question. No costs.

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25.06.2004
va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Tribal Welfare Department, Government of A.P., Secretariat, Hyderabad.
2 The District Collector, East Godavari District.
3 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District.
4 Two CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)
5 Two CD copies